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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,108	09/09/2003	Hironori Okado	116713	9829
25944	7590	11/17/2004		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER VY, HUNG T	
			ART UNIT 2821	PAPER NUMBER

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/657,108

Applicant(s)

OKADO, HIRONORI

Examiner

Hung T Vy

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/17/2003</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### **Acknowledges**

1. Receipt is acknowledged of the following items from the Applicant.

Information Disclosure Statement (IDS) filed on 10/17/2003. The references cited on the PTOL 1449 form have been considered.

### **Foreign Priority**

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 11/27/2002, 3/04/2003 and 01/05/2003.

### **Specification**

3. The specification has been checked to the extent necessary to determine the presence of possible minor errors. However, the applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### **Double Patenting**

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the

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unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-12 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims (see table below) of copending Application No. 10/667,347, No. 10/657,108, and No. 10/654432.

10/655,304	10/667,347	10/654,432	10/657,108
1,3 and 15	1,10	1,11	1,11 and 12

Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in present application are similar to claims in co-pending application as shown.

**This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.**

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5. The following is a quotation of the appropriate paragraph of 35 U.S.C. § 102 in view of the AIPA and H.R. 2215 that forms the basis for the rejections under this section made in the attached Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

35 U.S.C. § 102(e), as revised by the AIPA and H.R. 2215, applies to all qualifying references, except when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. For such patents, the prior art date is determined under 35 U.S.C. § 102(e) as it existed prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. § 102(e)).

Claims 1-5,7, 9 and 12 are rejected under 35 U. S. C. § 102 (e) as being anticipated by Bancroft et al., U.S. patent No. 6,603,429.

Claim 1, Bancroft et al. disclose an antenna, comprising: ground pattern (50); and a planar element (18), which has a feed point (16) and is juxtaposed with said ground pattern (50), and wherein said planar element has a trimmed portion causing to continuously change a distance between said planar element (18) and said ground pattern (50)(See fig. 1A).

Claim 2, Bancroft et al. disclose an antenna, wherein said trimmed portion is formed from said feed point (16) toward a side opposite to said ground pattern (50)(See fig. 1A).

Claim 3, Bancroft et al. disclose an antenna, wherein said planar element (18) and said ground pattern (50) are formed extending along counter directions (12) respectively (See fig. 1A).

Claim 4, Bancroft et al. disclose an antenna, wherein said ground pattern (50) is disposed without surrounding said planar element (18)(See fig. 1A).

Claim 5, Bancroft et al. disclose an antenna, wherein said distance from said trimmed portion of said planar element (18) to said ground pattern (50) is gradually increased as being farther away from said feed point (16) of said planar element (18)(See fig. 1A).

Claim 7, Bancroft et al. disclose an antenna, wherein said at least a part of an edge portion (42) other than said trimmed portion is formed so as to be opposite to the ground pattern side (50) of said planar element (18)(fig. 1A).

Claim 9, Bancroft et al. disclose an antenna, wherein said planar element (18) is symmetric with respect to a straight light (12) passing through said feed point (16) of planar element (Fig. 1).

Claim 12, Bancroft et al. disclose an antenna, comprising a ground pattern (30); and a planar element (18) that has a feed point (16) and whose edge portion opposite to said ground pattern (50) has a trimmed portion at which a distance with said ground pattern (50) is gradually increased from said feed point (16), and wherein said ground pattern (50) is juxtaposed with said planar element (18) without fully surrounding said edge portion of said planar element (18)(Fig. 1A).

**Claim Rejections - 35 U.S.C. § 103**

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6 and 11 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Bancroft et al., U.S. patent No. 6,603,429 in view of Kaloi et al., U.S. Patent No. 4,151,532 or Ringeisen et al., U.S. Patent No. 4,605,012.

Claims 6 and 11, Bancroft et al. disclose all limitations of invention except for at least either one of a curved line and line segments, which are connected while their inclinations are changed stepwise. However, Kaloi et al. disclose at least either one of a curved line and line segments which are connected while their inclinations are changed stepwise (See fig. 9) or Ringeisen et al. disclose at least either one of a curved line (68,67) and line segments which are connected while their inclinations are changed stepwise (See fig. 5). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Bancroft et al. to have different shape of element as taught by Kaloi or Ringeisen et al. The motivation for doing so would have been to provide different shape of antenna element in order to have variety of different purposes and circumstances (See column 2, line 20-25 of Kaloi).

8. Claims 8 and 10 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Bancroft et al., U.S. patent No. 6,603,429 in view of Bateman et al., U.S. Patent No. 6,157,344.

Claims 8 and 10, Bancroft et al. discloses all limitations of invention except for planar element has a cut-out portion formed at an edge portion opposite to the ground pattern side of said planar element. However, Bateman et al. disclose cut-out portion (See fig. 4). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Bancroft et al. to have cut-out portion as taught by Bateman et al. The motivation for doing so would have been to provide the cut-out portion in order to have equivalent properties to antennas that utilize the solid metal (See column 3, line 60-65).

#### **Citation of Pertinent References**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patent to Tomomatsu et al. disclose Antenna Apparatus, U.S. Patent No. 6,720,924.

The patent to Walton discloses Dual Band Antenna for Vehicles, U.S. Patent No. 6,097,345.



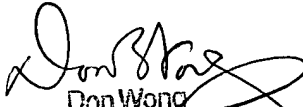
### Conclusion

13. When responding to the office action, Applicants are advised to provide the examiner with the line numbers and page numbers in the application and/or references cited to assist the examiner to locate the appropriate paragraphs.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Vy whose telephone number is (571) 272-1954. The examiner can normally be reached on Monday-Friday 8:30 am - 5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 308-7722 for After Final communications.

Information regarding the status of an application may be obtained from the patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either private Pair or Public Pair. Status information for unpublished applications is available through Private Pair only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hung T. Vy  
Art Unit 2821  
November 11, 2004

  
Don Wong  
Supervisory Patent Examiner  
Technology Center 2800